

REMARKS

The enclosed is responsive to the Examiner's Office Action mailed on September 20, 2006. At the time the Examiner mailed the Office Action claims 1-3, 5-12, 14-17 and 23-25 were pending. By way of the present response the Applicants have: 1) amended no claims; 2) added no new claims; and 3) canceled no claims. As such, claims 1-3, 5-12, 14-17 and 23-25 are now pending. The Applicants respectfully request reconsideration of the present application and the allowance of all claims now presented.

Claim Rejections

35 USC §102 Rejections

Claims 1-3, 5, 6, 8, 11, 12 and 14-16 stand rejected under 35 U.S.C. § 102(e) as being considered to be anticipated by Callaway, Jr., et al., U.S. Patent No. 6,275,500 (hereinafter "Callaway").

For a 35 U.S.C. §102 reference to anticipate a claim, the reference must teach every element of the claim. Section 2131 of the MPEP recites: "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

With respect to independent claim 1, applicant teaches and claims: "A method comprising: polling a first master transmitting device with a second master transmitting

device to determine a hopping sequence of the first master transmitting device; wherein polling the first master transmitting device includes determining whether the first master transmitting device is receiving a signal from a slave transmitting device.”

The Examiner stated that Callaway discloses: “polling a first master transmitting device with a second master transmitting device to determine a hopping sequence of the first master transmitting device (col. 6, lines 1-2)” September 20 Office Action, Page 2, lines 8-10. The sentence in Callaway to which the Examiner has referred states: “The method 100 [of Fig. 13] then returns to step 102 whereby the master once again are polled by the master during a first interval on the first communication resource.”

Applicant believes that there is a typographical error in column 6, line 1 of Callaway, and that this sentence should properly read: “The method 100 then returns to step 102 whereby the slaves are once again polled by the master during a first interval on the first communication resource.” This is supported by column 5, lines 20-27 of Callaway which states: “The method [of Fig. 13] preferably begins with the step 102 of polling by the master at a first interval and on a first communication resource the slaves operating in an unparked mode.” In further support, block 102 of Figure 13 states: “MASTER POLLS SLAVES ON CHANNEL 1.” The grammatical error in the sentence, lack of subject-verb agreement for “master [singular noun] are polled [plural verb],” also indicates that this is a typographical error. Thus, Applicant believes that the first “master” in the sentence should properly read “slaves” instead.

Furthermore, nowhere else does Callaway refer to more than one master device. See, for example: the Abstract: “A transceiver device (50) acting as a master among a plurality of communication devices potentially acting as slaves to the master.” Column 1,

lines 6-9: “The present invention is directed... more particularly to slave devices that may communicate amongst themselves without intercession of the master. Column 1, lines 46-49: “Referring to Fig. 1, a standard Bluetooth 1.0 system or piconet 15 is shown having a control channel or master device 2 with several slave devices...” Column 2, lines 65-67: “Referring to Fig. 2, there is shown a wireless network 20... where seven slave devices (1, 3-8) are communicating with the master...” Column 3, lines 39-41: “Referring to Fig. 3, the master 2 is shown polling the slaves...” Column 3, lines 45-48: “Referring to Fig. 4, the master 2 then designates communication resource parameters for communication between the first slave and at least the second slave.” Col. 3, lines 63-67, Col. 4, lines 1-5: “Once the slaves acknowledge the assigned parameters, the master, still operating on the first communication resource, then directs the slaves to the second communication resource (or high speed channel) to exchange data as shown in Fig. 6. The master in essence initiates the start of communication between the first slave and at least the second slave... It should be understood that the master can “initiate” multiple slave talk groups.” There are many other instances in Callaway indicating that Callaway’s disclosure operates only on one master and a plurality of slaves. These instances may be found by performing a search in Callaway on the term “master.” Callaway does not disclose “polling a first master device with a second master device,” as claimed by Applicant. Callaway discloses only polling of slave devices by a master device.

Assuming arguendo that Column 6, lines 1-2 of Callaway do indeed disclose “polling a first master device with a second master device,” rather than being a mere typographical error, Callaway does not teach that the polling is done “to determine a

hopping sequence of the first master transmitting device,” as claimed by Applicant.

Nowhere does Callaway teach determining a hopping sequence of any device.

Furthermore, no device of Callaway determines a hopping sequence of a master transmitting device.

Moreover, it is not necessary to determine a hopping sequence in Callaway, because Callaway teaches that “a standard Bluetooth system or piconet 15 includes a control channel or master device 2 with several slave devices (1, 3-9)”. Col. 1, lines 46-49. Callaway also teaches that “All users participating on the same Piconet are synchronized to the same hopping sequence.” Thus, since all embodiments of Callaway refer to a single, standard Bluetooth system or piconet including a master device with several slave devices (see, for example, Figs. 1-14 and corresponding text), and since all users on the same piconet are synchronized to the same hopping sequence, there is no need for Callaway to determine a hopping sequence. All users on a piconet are synchronized to the same hopping sequence.

Thus, Callaway does not disclose at least “polling a first master transmitting device with a second master transmitting device to determine a hopping sequence of the first master transmitting device.” Therefore, Applicant respectfully submits that Callaway does not anticipate all elements of claim 1.

Pending independent claim 14 recites limitations that are similar to the limitations of claim 1, although some differences may exist among the limitations of the other pending independent claims. These similar limitations nevertheless patentably distinguish claim 14 over Callaway. Therefore, for at least the reasons set forth above,

Applicant respectfully submits that Callaway does not anticipate all elements of independent claim 14.

Claims 2-3, 5-6, 8, 11, and 12 are dependent on independent claim 1. Claims 15-16 are dependent on independent claim 14. Thus, for at least the same reasons advanced above with respect to independent claims 1 and 14, applicant respectfully submits that Callaway does not anticipate all elements of dependent claims 2-3, 5-6, 8, 11, 12, and 15-16.

35 U.S.C. 103(a) Rejections

Claims 7, 9, 10 and 17 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Callaway in view of Trampower, et al., U.S. Patent 6,088,591 to (hereinafter “Trampower”); Claims 23 and 24 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Callaway in view of Sorenson, U.S. Patent 7,016,336 (hereinafter “Callaway”); Claim 25 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Callaway and Sorenson in view of Trampower.

In order to establish a prima facie case of obviousness:

“First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.” In re Vaech, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). Manual of Patent Examining Procedure (MPEP), 8th Edition, August 2001, §2143.

Claims 7, 9, and 10 are dependent upon independent claim 1. Claim 17 is dependent on independent claim 14. Thus, for at least the reasons advanced above with respect to the 35 U.S.C. 102 rejections of claims 1 and 14, neither Callaway nor Trampower, independently or in combination, teach or suggest all claim limitations of claims 7, 9, 10, and 17.

Regarding independent claim 23, neither Callaway nor Sorenson teach the limitation of “notifying a first master of a hopping sequence of a slave with a second master,” for at least the same reasons as those advanced above with respect to the 35 U.S.C. 102 rejection of claim 1. Thus, neither Callaway nor Sorenson, independently or in combination, teach or suggest all claim limitations of claim 23 and its dependent claim 24. Claim 25 is also dependent upon claim 23. Thus, neither Callaway, nor Sorenson, nor Trampower, independently or in combination , teach or suggest all claim limitations of claim 25.

In light of the comments above, the Applicant respectfully requests the allowance of all claims.

CONCLUSION

Applicant respectfully submits that all rejections have been overcome and that all pending claims are in condition for allowance.

If there are any additional charges, please charge them to our Deposit Account Number 02-2666. If a telephone conference would facilitate the prosecution of this application, the Examiner is invited to contact Cyndi M. Wheeler at (916) 356-5358.

Respectfully Submitted,
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